

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: McQueary Limited Partnership
3539 Emery Road
Deer Lodge, MT 59722
2. Type of action: Applications to Change an Existing Irrigation Water Right No. 767G 30067265 (Water Right Claim No. 76G 132356-00)
3. Water source name: Cottonwood Creek
4. Location affected by project: Cottonwood Creek from the historic point of diversion located in the NWSWSW of Section 32, Township 8 North, Range 8 West, Powell County, to the Cottonwood Creek confluence with the Clark Fork River in the NWNWSW of Section 33, Township 8 North, Range 9 West, Powell County.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

Applicant proposes to temporarily change Water Right Claim No. 76G 132356, a seasonal (generally winter) stock watering claim, to the purpose of instream flow for fisheries. The place of use would also change from the Hoffman Ditch from that ditch's headgate on Cottonwood Creek to the mainstem of Cottonwood Creek below the historical point of diversion and the creek's confluence with the Clark Fork River. The project area is located due east of Deer Lodge. The change authorization would protect Cottonwood Creek instream flows for fisheries at a flow rate of up to 2.43 CFS from October 15 to March 19. The Applicant has developed and appropriated groundwater resources for wintertime stock watering and no longer needs the surface water flows of Cottonwood Creek for that purpose.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)
 - Montana Natural Heritage Program (MTNHP)
 - USDA Web Soil Survey
 - Montana Department of Environmental Quality

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: No impact.

The purpose of the proposed project is to increase the amount of water in Cottonwood Creek by reducing the amount historically diverted for stock watering.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: No impact.

The proposed project will result in more of the natural flow remaining in stream, therefore no negative impact to water quality is expected.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: No impact.

The source of the water right proposed for change is surface water, and the proposed project will decrease the amount diverted from the source.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: No impact.

The proposed project will cease wintertime use of the Hoffman Ditch and leave the historically diverted flows in the natural channel of Cottonwood Creek.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater,

assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: No impact.

MTNHP identified 14 Species of Concern near the project area: Westslope Cutthroat Trout (*Oncorhynchus clarkia lewisi*), Bull Trout (*Salvelinus confluentus*), Long-billed Curlew (*Numenius americanus*), Little Brown Myotis (*Myotis lucifugus*), Great Blue Heron (*Ardea Herodias*), Bald Eagle (*Haliaeetus leucocephalus*), Bobolink (*Dolichonyx oryzivorus*), Lewis's Woodpecker (*Melanerpes lewis*), Golden Eagle (*Aquila chrysaetos*), Western Toad (*Anaxyrus boreas*), Northern Goshawk (*Accipiter gentilis*), Wolverine (*Gulo gulo*), Idaho Sedge (*Carex idaho*a), Deer Indian Paintbrush (*Castilleja cervina*).

The proposed project would increase instream flows on Cottonwood Creek, therefore no impact to the species listed above is expected.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: No impact.

The project does not involve wetlands.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No impact.

The project does not involve ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No impact.

Wintertime stock watering will continue to occur on the Applicant's property in the same general area, but the future source of water will be groundwater instead of Cottonwood Creek. No additional degradation of soil quality or stability is anticipated.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No impact.

Wintertime stock watering will continue to occur on the Applicant's property in the same general area, but the future source of water will be groundwater instead of Cottonwood Creek. No impacts to vegetation are anticipated.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No impact.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A - The project is not located on State or Federal lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No further impact identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No impact.

The purpose of the proposed project is to increase flows in the source stream, which would provide a fisheries and recreational benefit to the area.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No impact.

The proposed project area is located on private lands.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No impact.

The proposed project will potentially increase the water quality in the source.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes ___ No x If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No impact.
- (b) Local and state tax base and tax revenues? No impact.
- (c) Existing land uses? No impact.
- (d) Quantity and distribution of employment? No impact.
- (e) Distribution and density of population and housing? No impact.
- (f) Demands for government services? No impact.
- (g) Industrial and commercial activity? No impact.
- (h) Utilities? No impact.
- (i) Transportation? No impact.
- (j) Safety? No impact.
- (k) Other appropriate social and economic circumstances? No impact.

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts None identified.

Cumulative Impacts None identified.

3. Describe any mitigation/stipulation measures: No mitigation or stipulations are necessary.

4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider: No human or environmental impacts exist as a result of the proposed change,

and the no action alternative results in less water left in-stream. Furthermore, the proposed change would be beneficial to fisheries in both sources.

PART III. Conclusion

1. ***Preferred Alternative*** No preferred alternatives identified.
2. ***Comments and Responses*** None at this time.
3. ***Finding:***
Yes___ No_**x**___ *Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

An Environmental Assessment is the appropriate level of analysis because no significant adverse impacts were identified for the proposed project.

Name of person(s) responsible for preparation of EA:

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